

App. No. : 10/091,226  
Filing Date : February 28/, 2002

### REMARKS

The foregoing amendments are to include a reference in the specification as to a prior filed US provisional patent application pursuant to 37 C.F.R. § 1.78(a)(5).

Federal Register (Vol. 66, No. 172) dated December 28, 2001 says in connection with 37 C.F.R. § 1.78(a)(5) and (6) "If an application includes a claim to the benefit of a prior-filed provisional application elsewhere in the application but not in the manner specified in CFR 1.78(a)(5)(i) (e.g., if the claim is included in the declaration or application transmittal letter) within the time period set forth in CFR 1.78(a)(5)(ii), the Office will not require a petition (and the surcharge under CFR 1.17(t)) to correct the claim if the information concerning the claim contained elsewhere in the application was recognized by the Office as shown by its inclusion on a filing receipt." Pursuant to the Federal Register, Applicant respectfully submits the following.

The official filing receipt identifies the provisional application by the application number as indicated in the Federal Register.

1) The executed Inventorship Declaration containing the priority claim was submitted on June 6, 2002, which was within the time period set forth in CFR 1.78(a)(5)(ii).

In view of the above discussion, it is respectfully submitted that the information concerning the priority claim contained in the Declaration was recognized by the USPTO as shown on the attached filing receipt, thus the USPTO will not require a petition and the surcharge under CFR 1.17(t).

The amendments do not constitute the addition of new matter to the application, and entry of the amendments is respectfully requested.

App. No. : 10/091,226  
Filing Date : February 28/, 2002

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/14/03

By: 

John M. Carson  
Registration No. 34,303  
Customer No. 20,995  
(619) 687-8632

S:\DOCS\HZC\HZC-2946.DOC  
021003